

MJS ENGINEERING
CIVIL/ENVIRONMENTAL

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030119

5 May 2005

Hudson Valley Engineering Associates
Attn: Mr. Brendan Fitzgerald, PE
464 Main Street
Beacon, NY 12508

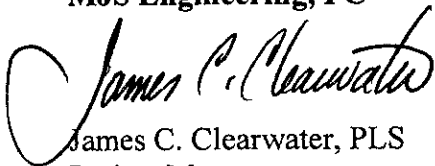
RE: Shadowfax — Town of New Windsor
Orange County, NY

Dear Mr. Fitzgerald:

As a follow-up to our meeting the morning of May 2, 2005 with Mr. Kroll and in order to assist us in our conversation with the Army Corps of Engineers, please provide us with examples where Individual Permits that have been approved by the Army Corps for situations such as the Shadowfax project. It has been our experience that one of the conditions for permit approval on a specific Nationwide Permit requirement is that the permittee must avoid and minimize discharges into the wetlands to the maximum extent practicable. This requires that the applicant must cross wetlands at the most narrow location. It has been our experience that Individual Permits will not be granted for situations such as this one.

We would request that any review of the flood study and subdivision plan that we left with you be done in a timely fashion. Please advise the undersigned of any thoughts you might have to resolve this problem as soon as possible.

Very truly yours,
MJS Engineering, PC


James C. Clearwater, PLS
Project Manager

JCC/gl

cc: D. Kartiganer
M. Edsall, PE
H. Kroll
Planning Board ✓
G. Meyers